

## **5L - SPECIAL EDUCATION PUPIL TRANSITION SERVICES**

Transition service, as defined in the Individuals with Disabilities Education Act, means, "a coordinated set of activities for a student, designed with an outcome-oriented process, that promotes movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community preparation."

Transition services for students with disabilities may be classified as special education:

- if they are provided as specifically designed instruction, or related services.
- if they are required to assist the student with a disability to benefit from special education.

### **A. Transition Services That Do Not Generate Pupil Membership Counts**

While school districts are responsible for developing an individualized education program that includes appropriate transition services, they are not responsible to provide activities that go beyond the district's regular education, work activity center services, or special education K-12 requirements. Activities that go beyond the K-12 requirements include postsecondary instruction, supported or sheltered employment, and adult education.

State and federal civil rights legislation requires school districts to provide students with disabilities an equal access to adult education programs. However, these programs are not considered part of Michigan's K-12 continuum and are not used as part of the mandatory special programs and who otherwise qualify, must be provided equal access and will be reimbursed in accordance with adult education criteria established in the State School Aid Act. They are not considered special education pupils for the purpose of determining membership under section 6 of the State School Aid Act.

### **B. Transition Services That Generate Pupil Membership Counts**

Pupils enrolled and receiving special education transition services may be counted for state school aid membership purposes:

- ✓ If the pupil is enrolled in a public school and assigned to an instructional staff person as of the count date.
- ✓ If the pupil receiving special education transition services meets the requirements of the particular special or general education program/service in which he or she is enrolled.

There are two specific types of special education transition services related to work-based learning:

- a. **Special Education Work-Site Based Learning Experiences (formerly referred to as Community-Based Instruction.)** This type of work-based learning relates to rule 340.1733(h) and (i) of the Revised Administrative Rules of Special Education 2002. Please see Section 5P/B(3) Special Education Work-Site Based Learning Experiences for the specific requirements of this service.
- b. **Work Activity Center Services.** This program uses paid employment in a Work Activity Center, under a wage deviation, designed to provide career/vocational evaluation or therapeutic activities for pupils with disabilities. Pupils who are assigned to Work Activity Center Services and are being paid for time counted in membership must meet the following criteria:
  - ✓ Have Work Activity Center Services specifically identified on the individualized education program (IEP).
  - ✓ Be assigned to an approved special education teacher employed by the educating district during the time he or she was receiving Work Activity Center Services.
  - ✓ Verify that the Work Activity Center Services contractor, if any, has a wage deviation approved by the U.S. Department of Labor consistent with the regulations for implementing the Fair Labor Standards Act of 1938, as amended, and the Youth Employment Standards Act of 1978, as amended.

**C. Requirements for Counting Pupil Membership**

For state school aid pupil membership, a local or intermediate school district may count a pupil receiving transition services related to work-based learning, if the district has evidence that all of the following occurred:

- ✓ The pupil must be enrolled and in attendance on a scheduled school day during the count period.

- ✓ The pupil must be assigned to and under the meaningful direction and supervision of a special education teacher employed by the educating district.
- ✓ A pupil receiving Work Activity Center Services is assigned to a special education teacher, and is counted for special education membership.
- ✓ Pupils receiving special education services counted for pupil membership purposes must meet the 1,098 hours requirement in order to be counted full-time.

The Work Activity Center Services must be incidental to the instructional program, i.e., less than 50% of school time. If a pupil spends more than 50% of the time in a Work Activity Center Service, the time does not count towards membership, since the pupil is in the work activity center primarily for therapy or employment, and not for the purpose of receiving instruction. When pupils attend school less than 50% of their time, the district will only receive membership for the time instruction is received under the direct supervision of a teacher.

#### **D. Regulatory References**

Federal Regulation 34 CFR 300.29

Michigan Revised Administrative Rules for Special Education 2002, R 340.1733(h)- (i)

Revised School Code 380.1284

State School Aid Act 388.1561a(7)(a)